THE MADRAS LEGISLATIVE COUNCIL.

FOURTEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

Monday, the 2nd March 1959.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Personal files of subordinate officials

* 85 *Q.*—SRI T. PURUSHOTHAM : Will the Hon. the Chief Minister be pleased to state—

(*a*) the general rules guiding the writing of personal files of subordinate officials by the Government officers;

(*b*) whether the remarks in the personal file are communicated to the subordinates concerned for their information and guidance; and

(*c*) whether the Government have considered revision of the rules to make them proof against patronage and, if so, when the revised rules would take effect?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (*a*) Reporting officers have been instructed to give as complete a picture as possible of the officer reported upon, both his bood points and his short-comings being fully dealt with in a clear and lucid manner so as to make it possible for a correct estimate to be formed on the character, ability, etc., of the officer concerned. They have also been told that it is particularly important that whenever an inappreciative opinion or an adverse remark regarding the personal character or conduct or honesty of an officer is recorded, reasons should be given as far as possible. Similarly, an estimate that an officer is unfit for a particular rank should include reasons for it and, if possible, a statement of facts in support of the view held should be given and it should not be founded on general impressions only.

Reporting officer's remarks are scrutinised by a higher officer and the scrutinising officer has been instructed to state his own views on any entry in the personal file with which he disagrees at the earliest possible opportunity.

(*b*) All adverse remarks made in the personal files are normally communicated to the persons concerned for information and guidance. They have also a right of appeal against such remarks.

(*c*) The Government do not consider that there is much scope for patronage in the existing rules.

SRI T. PURUSHOTHAM : Is there any proposal to do away with this system of writing of personal files of the Government officers?

THE HON. SRI R. VENKATARAMAN : No, Sir. The Government want some guidance from the superior officers about the ability of the subordinate officers.

SRI T. PURUSHOTHAM : Have the Government received any request from any of the Service organisations about the system of personal files and have they made any representation to the Government that the system may be scrapped?

THE HON. SRI R. VENKATARAMAN : I do not know whether they have made any representation, but the Government do not consider that there is any merit in such representations.

SRI T. PURUSHOTHAM : With reference to the answer of the Hon. Minister to clause (*c*), may I request the Hon. Minister to tell us whether the Government would consider referring this question of revising these rules to the State Pay Commission that has been appointed?

THE HON. SRI R. VENKATARAMAN : No, Sir. I do not think it is necessary to do so.

SRI MOHAMED RAZA KHAN : What is the check the Government are having if a superior officer writes something adverse, born out of prejudice?

THE HON. SRI R. VENKATARAMAN : It is communicated to the officer concerned and his reply or his explanation is taken into account.

DR. A. SREENIVASAN : Are the adverse remarks communicated to the aggrieved person? In some cases, they have been deliberately held back till the time comes for the man to protest.

THE HON. SRI R. VENKATARAMAN : Normally they are communicated to the person concerned. If there are any individual cases, they can be brought to the notice of the Government.

SRI T. PURUSHOTHAM : Have the Government considered the system that is in vogue in the Central Government service with regard to these personal files and would they compare the system prevailing there with the system that we are having here?

THE HON. SRI R. VENKATARAMAN : I am not aware of the system prevalent in the Central Government, but the Government think that the present system is quite good and has been working satisfactorily.

SRI T. PURUSHOTHAM : As under the Central Government rules, the subordinate officer against whom any remark is made is required to sign in that personal file, noting the remarks made therein, and as that would remove much of the abuse that has been

2nd March 1959]

alleged here, may I suggest that the Government would do well to compare the Government of India rules with the rules obtaining here?

THE HON. SRI R. VENKATARAMAN : If the rules are as mentioned by the hon. Member, I think there is no difference. Because, I stated in answer to clause (*b*) that all adverse remarks made in personal files were normally communicated to the persons concerned for information and guidance.

SRI A. M. ALLAPICHAI : Does 'normally' mean that under extraordinary circumstances, some remarks are not communicated to the persons concerned?

THE HON. SRI R. VENKATARAMAN : The Deputy Chairman understands English. 'Normally' means 'usually'.

SRI A. GAJAPATHY NAYAGAR : What is meant by 'adverse remarks'? Do they mean remarks against inefficiency or character? I want an explanation about 'adverse remarks'.

THE HON. SRI R. VENKATARAMAN : Anything generally derogatory to the ability or character of the person concerned would be considered to be adverse remarks.

SRI B. K. NALLASWAMI : I have seen the adverse remarks against some of the officers which are very vague and unanswerable. Will the Government see that clear charges are made against such officers?

THE HON. SRI R. VENKATARAMAN : I do not know how the hon. Member ever saw the personal files. (Laughter.)

SRI B. K. NALLASWAMI : The adverse remarks are communicated to the officers concerned. I was shown them by some officers. So, the question that I could not see the personal files does not arise.

THE HON. SRI R. VENKATARAMAN : When I say that the adverse remark is communicated to the officer concerned, then he has an opportunity to give his explanation and make an appeal against it.

SRI B. K. NALLASWAMI : The charges are so vague that they cannot give any reply to these charges. That was what I meant.

THE HON. SRI R. VENKATARAMAN : This criticism is also very vague.

SRI A. SUBRAMANYAM : சொந்த வருத்தமோ, வெறுப்போ ஏற்படுவதன் காரணமாக மேல் அதிகாரிகள் ஏதாவது எழுதிவிட்டால், அதைப்பற்றி உடனடியாக அந்தக் கீழ் அதிகாரிகளுக்குத் தெரிவிப்பது இல்லை. கடைசியாகத்தான் தெரிவிக்கிறார்கள். உடனடியாகத் தெரிவிக்க ஏதாவது ஏற்பாடு செய்யப்படுமா?

THE HON. SRI R. VENKATARAMAN : கனம் அங்கத்தினர் அவர்கள் சொல்வது சரியல்ல. எப்பொழுது ஒரு அதிகாரியின் மீது தவறான அபிப்பிராயம் எழுதப்படுகிறதோ, அப்பொழுதே அதைப்பற்றி அவர்களுக்குத் தெரிவிக்கிறார்கள்.

[2nd March 1959

SRI T. G. KRISHNAMOORTHY: Will the Government please consider the question of doing away with this system altogether which is a legacy of the British Government in India, who wanted only to control and check their Indian officers from indulging in patriotic activities?

THE HON. SRI R. VENKATARAMAN: I do not know whether the explanation offered by the hon. Member is correct. But this is the only way of assessing the qualities and ability of the persons concerned. For instance, when promotions have to be made, when persons have to be considered for certain selection posts, what are the criteria by which the Government can go? They want some guidance from officers under whom they have served. Naturally, this is one of the ways in which they can judge the ability of the officers concerned.

SRI T. G. KRISHNAMOORTHY: Does such a system obtain in Britain? No. That is the information that I have.

THE HON. SRI R. VENKATARAMAN: I do not know what happens in Britain.

SRI A. GAJAPATHY NAYAGAR: 'Not up to the mark'. Is it an adverse remark?

THE HON. SRI R. VENKATARAMAN: I am afraid the hon. Member is putting forward a matter which, I think, is fit for judicial interpretation. (Laughter.) But if a person is found not fit for a particular job, particular position, then reasons have to be recorded why he has been considered not fit for that. What is more, we have given instructions that if an officer finds another person unfit for a particular rank, he should mention the reasons why he considers him unfit.

SRI MOHAMED RAZA KHAN: May I know whether the explanation given by the subordinate officer concerned is again referred to the Government for decision or at what level it stops or a decision is taken?

THE HON. SRI R. VENKATARAMAN: It would depend on the level of the officer. In the case of subordinate officers, it may go to the head of the department. In the case of other officers, it may go even higher.

SRI T. PURUSHOTHAM: As there is material difference in the system of communicating the adverse remarks to the subordinate officers as in the State Government and actually obtaining the signatures of the persons concerned in the personal files themselves as is being done in the case of Central Government employees may I appeal to the Government to examine the whole question and see whether we may not bring our rules in line with the Central Government rules?

THE HON. SRI R. VENKATARAMAN: I think hon. Members may leave it to the Services concerned to make representation to the Government in respect of this matter. That the Legislature

2nd March 1959]

should say that the system should be changed means that the hon. Members of the Legislature think that there is something wrong with the systef. I venture to submit that there is nothing wrong with the system.

Dr. A. LAKSHMANASWAMI MUDALIAR : May I know whether these personal files are maintained for every year or half-year or if and when the officer is pleased to note?

The Hon. Sri R. VENKATARAMAN : Every half-year.

Sri T. PURUSHOTHAM : Is it the point of the Hon. Minister that the Members of the Legislature have no *locus standi* to raise any question about this?

The Hon. Sri R. VENKATARAMAN : The suggestion was that if they required some different procedure to be followed, then they must leave it to the Services concerned to make representations for due consideration by the Government. But if a Member of the Legislature wants a thing to be done, then he has to be satisfied that the system is wrong. I do not think that there is anything wrong with the system.

Sri T. P. SRINIVASAVARADAN : Sir, the Hon. Minister said that whenever the claims of a subordinate were superseded, the subordinate was informed of it. Is this followed in all cases? 3-10 p.m.

The Hon. Sri R. VENKATARAMAN : That is what I said.

Sri T. P. SRINIVASAVARADAN : Sir, is the Hon. Minister aware that many subordinate officers are not aware that their claims are superseded?

The Hon. Sri R. VENKATARAMAN : In fact, every time when a person is superseded, there is the appeal provided for. I do not know how the hon. Member says that the persons do not know about this.

Sri P. T. RAJAN : When a reply is received from the official concerned, is that kept in his personal file?

The Hon. Sri R. VENKATARAMAN : Yes, Sir. That is kept in the file.

Etiquette and manners of students

* 86 *Q.*—Sri A. GAJAPATHY NAYAGAR and Vidwan T. MUTHUKANNAPPAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any instructions have been issued by the Government to the Government colleges in this State regarding the etiquette and manners to be observed by the students of respective colleges; and

(*b*) if so, what they are?

The Hon. Sri C. SUBRAMANIAM : (*a*) No, Sir.

(*b*) Does not arise.